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Hon. Lorna G. Schofield
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Date
March 12 2024

Defendant's request to deem the cases related and to transfer the *Zodiac* action is DENIED. The *Zodiac* action involves a different Plaintiff, alleging different causes of action and different facts. Among other things, the *Zodiac* Complaint alleges physical damage to a vessel's engine and fuel system. The lack of comparable allegations in the *Serifos* matter was the basis for dismissal of tort claims under the economic loss rule. That both cases involve Glencore's Terms and Conditions and its alleged provision of defective fuel is insufficient to find "substantial factual overlap."

Dated: March 13, 2024
New York, New York


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

Re: Notice of Related Case and Request to Transfer

Dear Judge Schofield,

This firm represents Glencore Singapore Pte Ltd. ("GSPL"). GSPL is party to two actions pending in this district: (1) the action captioned *Serifos Maritime Corp. v. Glencore Singapore Pte Ltd.*, Case No. 1:22-cv-8012 (LGS) (the "**Serifos Action**"), which is pending before Your Honor, and (2) an action captioned *Zodiac Maritime Limited v. Glencore Singapore Pte Ltd.*, Case No. 1:22-cv-0351 (the "**Zodiac Action**"), which is currently assigned to the Honorable Dale E. Ho.

By letter to Judge Ho dated March 1, 2024, GSPL requested that the Zodiac Action be designated as related to the Serifos Action and transferred to Your Honor pursuant to Rule 13 of the Rules for the Division of Business Among District Judges. The plaintiffs in the Zodiac Action opposed GSPL's request.

On March 11, 2024, Judge Ho directed the parties to address their respective submissions to Your Honor for decision. See Zodiac Action ECF No. 19.

Accordingly, attached to this letter, please find a copy of GSPL's letter dated March 1, 2024 (Exhibit A) and the Zodiac Action plaintiffs' response dated March 5, 2024 (Exhibit B).

We are available to discuss the above at the Court's convenience.

Respectfully submitted,

/s/ Peter J. Behmke

Peter J. Behmke

cc: Mark C. Hansen (via email, mhansen@kellogghansen.com)

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